



Enforcement of Motor Vehicles and Traffic Rules

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Enforcement of Motor Vehicles and Traffic Rules.....	3
--	---

Enforcement of Motor Vehicles and Traffic Rules

Reference Number: MTAS-830

Enforcement of Motor Vehicle Rules and Regulations — State Pre-emption

City ordinances may adopt by reference the state Rules of the Road that are Class C misdemeanors. T.C.A. § 16-18-302. See also T.C.A. § 55-10-307. Primary responsibility for enforcing state and local motor vehicle laws falls on municipalities within their city limits. In addition to or in lieu of any other penalty imposed, a court may require violators to attend a driver improvement course. The city may provide such a course and charge a fee of between \$50 and \$175. However, no person may be refused admittance because he or she cannot pay. T.C.A. § 55-10-301. T.C.A. § 55-8-196 allows a person sentenced to driver school to attend the school in his or her county of residence rather than in the county where the citation was issued, at the discretion of the court. A city offering a course consents to having its course records inspected by the Department of Safety. Certain violations are exclusively state offenses and must be prosecuted in courts with state jurisdiction. These violations include driving while intoxicated or drugged, failing to stop after an accident, driving with a suspended or revoked license, and drag racing. T.C.A. § 55-10-308.

Municipalities also may conduct community education courses for persons convicted of leaving a child in an unattended vehicle. Restrictions are similar to those for driver safety courses. T.C.A. § 55-10-804.

Enforcement of Traffic Rules and Regulations on Private Property

T.C.A. § 55-10-317 allows law enforcement agencies to enforce traffic laws on private streets in residential developments with single and multi-family dwellings. A majority of residents of the development must approve this in a petition to the governing body. The governing body must establish traffic laws in the development, just as it does for public streets. T.C.A. § 55-10-301.

With written permission from the property owner or manager, police officers may go onto the premises of any shopping center or office park that generally is open to the public to inspect any motor vehicle to determine if the vehicle is properly registered and licensed. T.C.A. § 55-10-316.

T.C.A. § 55-5-122(b) provides that subsection (a) of that section, which restricts the towing of vehicles on private property, does not restrict the authority of municipalities and metropolitan governments to regulate parking and towing of motor vehicles within their boundaries.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 07/09/2020 - 4:15am): <http://www.mtas.tennessee.edu/reference/enforcement-motor-vehicles-and-traffic-rules>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE